

Remarks

The instant Office Action dated February 7, 2008 listed the following rejections and objections: claims 1-10 stand rejected under U.S.C. § 112(2); and claims 1-10 stand rejected under 35 U.S.C. § 102(e) over Harris *et al.* (U.S. Patent No. 6,696,825); the drawings and the specification are objected to, and claim 1 is objected to.

Applicant respectfully traverses the § 112(2) rejection of claims 1-10 because the claims do particularly point out and distinctly claim that which Applicant regards as the invention. The Office Action bases the rejection on the erroneous assertion that the limitation “an additional current path that can be opened and closed” is ambiguous because the terms opened and closed are used contrary to their conventional meaning. However, the claims clearly recite that current flows through the additional current path when the path is opened. Thus, it would be clear to the skilled artisan that current flows through the additional current path when the additional current path is opened (or connected) based upon the claim language irrespective of Applicant’s specification. Moreover, Applicant’s specification clearly indicates that current flows through the additional current path when the path is opened. *See, e.g.*, Paragraphs 0033 and 0035. Applicant notes that the Office Action has correctly interpreted the claims as requiring that current flow through the additional current path when the path is opened. In view of the above, there would be no ambiguity to the skilled artisan regarding the meaning of the terms opened and closed relative to the additional current path. Accordingly, the § 112(2) rejection of claims 1-10 is improper and Applicant requests that it be withdrawn.

Applicant respectfully traverses the § 102(e) rejection of claims 1-10 because the rejection relies upon the erroneous assertion that Harris’s inductor L_{OUT} provides energy from V_{SOURCE} to a parallel arrangement of capacitor C_{OUT} and the path via power switch 23. As is clearly shown by Harris in Figure 1 reproduced below, inductor L_{OUT} does not provide energy from V_{SOURCE} to a parallel arrangement of capacitor C_{OUT} and the path via power switch 23.

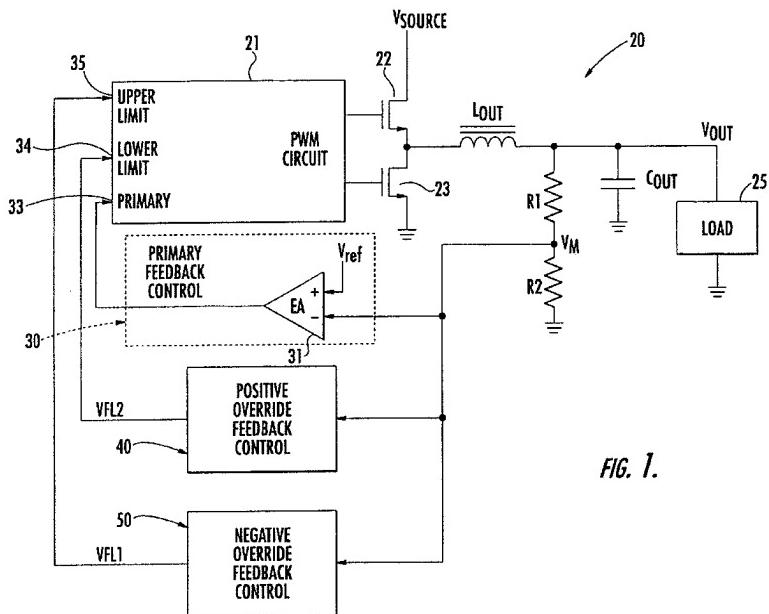


FIG. 1.

According to M.P.E.P. § 2131, in order to anticipate a claim, the elements of a prior art reference must be arranged as required by the claim. In this instance, the claimed invention requires that the inductor provide the energy from the power supply to a parallel arrangement of the output capacitor and the additional current path. As is clearly shown in Harris's Figure 1, inductor L_{OUT} (*i.e.*, the Office Action's alleged inductor) does not provide the energy from V_{SOURCE} to a parallel arrangement of capacitor C_{OUT} (*i.e.*, the Office Action's alleged output capacitor) and the path via power switch 23. (*i.e.*, the Office Action's alleged additional current path). Instead Harris's power switch 23, along with power switch 22, is used to supply power from a voltage source to load 25 (and capacitor C_{OUT}) via inductor L_{OUT} . *See, e.g.*, Figure 1 and Col. 3:44-57. Thus, the cited portions of the Harris reference are not arranged as required by the claimed invention. Accordingly, the § 102(e) rejection of claims 1-10 is improper and Applicant requests that it be withdrawn.

Applicant further traverses the § 102(e) rejection of claims 2-9 because the Office Action fails to address the various aspects of these claims. Specifically, the Office Action does not allege correspondence between these claims and any portion of the Harris reference. Applicant submits that the cited portions of the Harris reference do not correspond to numerous aspects of claims 2-9. As a first example, the cited portions of Harris do not teach that the path via power switch 23 includes a resister (*see, e.g.*, claim 3). As a second example, the cited portions of Harris do not teach that power switch 23 is

controlled based on a current through inductor L_{OUT} (*see, e.g.*, claim 8). In view of the above, the § 102(e) rejection of claims 2-9 is improper and Applicant requests that it be withdrawn.

Applicant respectfully traverses the objection to the drawings because the applicant for a patent is only required to furnish a drawing of his or her invention where necessary for the understanding of the subject matter sought to be patented. *See, e.g.*, 37 CFR 1.81(a).

Applicant submits that aspects of the claimed invention directed to a feedback circuit would be clear to one of skill in the art based upon Applicant's specification. *See, e.g.*, paragraphs 0034 and 0037 which contain discussion relating to a control unit. Thus, the feedback circuit need not be shown in the drawings because it is not necessary for understanding by the skilled artisan of the subject matter sought to be patented. Accordingly, the objection to the drawings is improper and Applicant requests that it be removed.

Applicant respectfully traverses the objection to the specification because Applicant's specification provides sufficient detail regarding the method used to control the "additional current path". For example, in paragraphs 0034 and 0037, Applicant's specification contains discussion relating to a control unit that provides feedback to controlled current source 22 (or variable resister 34) responsive to the output voltage. Thus, Applicant's specification provides examples of how the additional current path is controlled. Accordingly, the objection to the specification is improper and Applicant requests that it be removed.

Applicant respectfully traverses the objection to claim 1 because aspects of the claimed invention directed to the additional current path being formed such that the current flowing through the path reaches basically immediately a desired value would be clear to the skilled artisan. Applicant submits that the skilled artisan would recognize that the current flowing through the additional path essentially reaches the desired value immediately. Thus, the claim term basically is not obscure. Accordingly, the objection to claim 1 is improper and Applicant requests that it be withdrawn.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063 (or the undersigned).

Please direct all correspondence to:

Corporate Patent Counsel
NXP Intellectual Property & Standards
1109 McKay Drive; Mail Stop SJ41
San Jose, CA 95131

CUSTOMER NO. 65913

By:

Name: Robert J. Crawford
Reg. No.: 32,122
651-686-6633 x2300
(NXPS.302PA)